

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 9, 2014

SENATE BILL

No. 1253

Introduced by Senator Steinberg

**(Coauthors: Senators *Berryhill, Cannella, Galgiani, Huff, Leno* and
Lieu, Wolk, and Wyland)**

(Coauthor: Assembly Member Quirk-Silva)

February 20, 2014

An act to amend Sections 9, 101, ~~303.5~~, 9002, 9004, 9005, 9014, 9030, 9031, 9033, 9034, 9051, 9082.7, 9092, 9094.5, 9604, and 18621 of the Elections Code, *and to amend Section 88006 of the Government Code*, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1253, as amended, Steinberg. Initiative measures.

(1) Under existing law, the text of a proposed initiative measure is required to be submitted to the Attorney General for preparation of a circulating title and summary before the petition may be circulated for signatures. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to jointly develop an estimate of the fiscal impact of the initiative measure and to deliver that fiscal estimate to the Attorney General within 25 working days, except as specified, for inclusion in the circulating title and summary. Existing law further requires the Secretary of State, upon request of the proponents of an initiative measure, to review the provisions of the initiative measure and to comment on the provisions of the measure with respect to form and language clarity.

This bill would require the Attorney General, upon receipt of a request to prepare the circulating title and summary, to initiate a 30-day public review process for the proposed initiative measure, as specified. The bill would require that the fiscal estimate be prepared jointly by the Department of Finance and the Legislative Analyst. The bill would require the estimate to be delivered to the Attorney General within ~~45~~ 50 days of the date of receipt of the proposed initiative measure by the Attorney General instead of 25 working days from the receipt of the final version of the proposed initiative measure.

(2) Existing law requires the Attorney General to provide a ballot label and a ballot title for each measure to be submitted to the voters at a statewide election. Existing law requires the Attorney General to prepare a summary of the chief purposes and points of each statewide ballot measure as part of the ballot title. *Existing law, including provisions of the Political Reform Act of 1974, requires the Secretary of State to make a copy of the ballot pamphlet available for public examination at least 20 days before the Secretary of State submits the copy to the State Printer.*

This bill would impose specified requirements with respect to the ballot materials required to be prepared by the Attorney General. *The bill would extend the number of days, from 20 to 25, that the Secretary of State is required to make the copy of the ballot pamphlet available for public examination.*

(3) Existing law prohibits a petition for a proposed initiative or referendum measure from being circulated prior to the official summary date, and prohibits a petition with signatures on a proposed initiative measure from being filed with the county elections official later than 150 days from the official summary date.

This bill would extend the date that a petition with signatures on a proposed initiative measure is required to be filed with the county elections official to not later than 180 days from the official summary date.

(4) Existing law requires the Secretary of State to notify the proponents, and immediately transmit to the elections official or registrar of voters of every county or city and county in the state a certificate, when the Secretary of State has received from one or more elections officials or registrars a petition certified to have been signed by the requisite number of qualified voters.

This bill would instead require the Secretary of State to issue a notice ~~of qualification~~ *directing that signature verification be terminated.* The

bill would require the Secretary of State to ~~issue a certificate identifying all of the measures for which he or she issued a notice of qualification for a given election, as specified~~ *identify the date of the next statewide election and, on the 131st day prior to that election, to issue a certificate of qualification certifying that the initiative measure is qualified for the ballot at that election. The bill would provide that, upon the issuance of that certification, the initiative measure would be deemed qualified for the ballot for purposes of specified provisions of the California Constitution.*

(5) Under existing law, the Secretary of State is required to transmit copies of an initiative measure and its circulating title and summary to the Senate and the Assembly after the measure is certified to appear on the ballot for consideration by the voters. Existing law requires that each house of the Legislature assign the initiative measure to its appropriate committees, and that the committees hold joint public hearings on the subject of the proposed measure prior to the date of the election at which the measure is to be voted upon, as specified.

This bill would require the Secretary of State to transmit copies of the initiative measure and circulating title and summary to the Legislature after receiving a certification from the initiative proponents, signed under penalty of perjury, that they have collected 25% of the number of signatures needed to qualify the initiative measure for the ballot. The bill would require the appropriate committees of the Senate and Assembly to hold the joint public hearing on the subject of the measure not later than 131 days prior to the date of the election at which the measure is to be voted upon.

(6) Existing law requires the Secretary of State to disseminate the complete state ballot pamphlet over the Internet and to establish a process to enable a voter to opt out of receiving the state ballot pamphlet by mail. Existing law requires the Secretary of State to develop a program to utilize modern communications and information processing technology to enhance the availability and accessibility of information on statewide candidates and ballot initiatives, including making information available online as well as through other information processing technology.

This bill would require the Secretary of State to establish processes to enable a voter to receive the state ballot pamphlet in an electronic format instead of by mail. The bill would also require the Secretary of State to create an Internet Web site, or use other available technology, to consolidate information about each ballot measure in a manner that

is easy for voters to access and understand. The Internet Web site would be required to include a summary of each ballot measure and to identify the donors and other sources of funding for the campaigns for and against each ballot measure.

(7) Existing law authorizes the proponents of a statewide initiative or referendum measure to withdraw the measure at any time before filing the petition with the appropriate elections official. Existing law also requires that state initiative petitions circulated for signature include a prescribed notice to the public.

This bill would authorize the proponents of a statewide initiative or referendum measure to have the measure withdrawn from the ballot at any time before the measure qualifies for the ballot. The bill would require a petition for a statewide initiative measure to contain additional prescribed language in its notice to the public describing the right of proponents to withdraw the measure from the ballot, as specified.

(8) Existing law makes certain activities relating to the circulation of an initiative, referendum, or recall petition a criminal offense.

The bill would make it a crime for a proponent of a statewide initiative measure to seek, solicit, bargain for, or obtain any money or thing of value of or from any person, firm, or corporation for the purpose of withdrawing an initiative petition after filing it with the appropriate elections official. By establishing a new crime, this bill would impose a state-mandated local program.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(10) *The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a ²/₃ vote of each house and compliance with specified procedural requirements.*

This bill would declare that it furthers the purposes of the act.

Vote: ~~majority~~²/₃. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Ballot Initiative Transparency Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) Initiative measures, also known as ballot measures or propositions, allow California voters to participate directly in lawmaking. California voters have enjoyed the right to enact laws through the initiative process since 1911. However, many voters find it difficult to understand the language of an initiative measure and to learn who is behind an initiative measure.

(b) It is the intent of the Legislature in enacting this act to update the initiative process, which is more than 100 years old, by doing all of the following:

(1) Providing voters with more useful information so that they are able to make an informed decision about an initiative measure. Under this act, the Secretary of State would be required to give voters one-stop access to a clear explanation of each measure and information about the individuals and groups behind each measure. This would give voters updated information about who is spending large sums of money to support or oppose each initiative measure. Voters would also be allowed to request an electronic copy of ballot materials, thereby reducing the expenses of printing and mailing.

(2) Providing a voter-friendly explanation of each initiative measure. The act would require that ballot materials be drafted in clear and impartial language.

(3) Identifying and correcting flaws in an initiative measure before it appears on the ballot. Currently, proponents of an initiative measure have few options to correct the language of an initiative measure or to withdraw a petition for a proposed initiative measure, even when flaws are identified. This act would give voters an opportunity to comment on an initiative measure before the petition is circulated for signatures. *Public comment may address perceived errors in the drafting of, or perceived unintended consequences of, the proposed initiative measure.* By extending the time for gathering signatures, this act would give the Legislature the opportunity to hold earlier public hearings to review initiative measures. This act would also allow the proponents of an initiative measure to withdraw the measure after the petition and signatures are submitted to elections officials, but before the measure qualifies for the ballot.

SEC. 3. Section 9 of the Elections Code is amended to read:

1 9. (a) Counting of words, for purposes of this code, shall be
2 as follows:

3 (1) Punctuation is not counted.

4 (2) Each word shall be counted as one word except as specified
5 in this section.

6 (3) All *proper nouns*, including geographical names, shall be
7 considered as one word; for example, “City and County of San
8 Francisco” shall be counted as one word.

9 (4) Each abbreviation for a word, phrase, or expression shall be
10 counted as one word.

11 (5) Hyphenated words that appear in any generally available
12 standard reference dictionary, published in the United States at
13 any time within the 10 calendar years immediately preceding the
14 election for which the words are counted, shall be considered as
15 one word. Each part of all other hyphenated words shall be counted
16 as a separate word.

17 ~~(6) Dates consisting of a combination of words and digits shall~~
18 ~~be counted as two words. Dates consisting only of a combination~~
19 ~~of digits shall be counted as one word.~~

20 (7) Any number consisting of a digit or digits shall be considered
21 as one word. Any number which is spelled, such as “one,” shall
22 be considered as a separate word or words. “One” shall be counted
23 as one word whereas “one hundred” shall be counted as two words.
24 “100” shall be counted as one word.

25 (8) Telephone numbers shall be counted as one word.

26 (9) Internet-~~web~~ *Web* site addresses shall be counted as one
27 word.

28 (b) This section shall not apply to counting words for ballot
29 designations under Section 13107.

30 ~~SEC. 3.~~

31 *SEC. 4.* Section 101 of the Elections Code is amended to read:

32 101. (a) Notwithstanding any other law, a state or local
33 initiative petition required to be signed by voters shall contain in
34 12-point type, before that portion of the petition for voters’
35 signatures, printed names, and residence addresses, the following
36 language:

37
38 “NOTICE TO THE PUBLIC
39

1 THIS PETITION MAY BE CIRCULATED BY A PAID
2 SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE
3 THE RIGHT TO ASK.”

4
5 (b) A state initiative petition shall contain, in the same location
6 and type size described in subdivision (a), the following language:

7
8 “THE PROPONENTS OF THIS PROPOSED INITIATIVE
9 MEASURE HAVE THE RIGHT TO WITHDRAW THIS
10 PETITION AT ANY TIME BEFORE THE MEASURE
11 QUALIFIES FOR THE BALLOT.”
12

13 ~~SEC. 4. Section 303.5 of the Elections Code is amended to~~
14 ~~read:~~

15 ~~303.5. (a) “Ballot title” is the name of a statewide measure~~
16 ~~included in the ballot label and the ballot title and summary.~~

17 ~~(b) “Ballot title and summary” means the summary of the chief~~
18 ~~purpose and points, including the fiscal impact summary, of any~~
19 ~~measure that appears in the state ballot pamphlet. The ballot title~~
20 ~~and summary shall include a statement of the measure’s fiscal~~
21 ~~impact. The ballot title and summary shall be not less than 25~~
22 ~~words and not more than 150 words in length, not including the~~
23 ~~fiscal impact statement.~~

24 ~~(c) (1) “Circulating title and summary” means the text that is~~
25 ~~required to be placed on a petition for signatures that is either one~~
26 ~~of the following:~~

27 ~~(A) The summary of the chief purpose and points of a proposed~~
28 ~~initiative measure that affects the Constitution or laws of the state,~~
29 ~~and the fiscal impact of the proposed initiative measure.~~

30 ~~(B) The summary of the chief purpose and points of a~~
31 ~~referendum measure that affects a law or laws of the state.~~

32 ~~(2) The circulating title and summary shall be not less than 25~~
33 ~~words and not more than 150 words in length, not including the~~
34 ~~fiscal impact summary.~~

35 SEC. 5. Section 9002 of the Elections Code is amended to read:

36 9002. (a) Upon receipt of a request from the proponents of a
37 proposed initiative measure for a circulating title and summary,
38 the Attorney General shall initiate a public review process for a
39 period of 30 days by doing all of the following:

1 (1) Posting the text of the proposed initiative measure on the
2 Attorney General's Internet Web site.

3 ~~(2) Promoting public participation by inviting on the Attorney~~
4 ~~General's Internet Web site. Inviting, and providing for the~~
5 ~~submission of, written public comments on the proposed initiative~~
6 ~~measure on the Attorney General's Internet Web site. The site shall~~
7 ~~accept written public comments for the duration of the public~~
8 ~~review period. Public comments may address perceived errors in~~
9 ~~the drafting of, or perceived unintended consequences of, the~~
10 ~~proposed initiative measure. The written public comments shall~~
11 ~~be public records, available for inspection upon request pursuant~~
12 ~~to Chapter 3.5 (commencing with Section 6250) of Division 7 of~~
13 ~~Title 1 of the Government Code, but shall not be displayed to the~~
14 ~~public on the Attorney General's Internet Web site during the~~
15 ~~public review period. The Attorney General shall transmit any~~
16 ~~written public comments received during the public review period~~
17 ~~to the proponents of the proposed initiative measure.~~

18 (b) During the public review period, the proponents of the
19 proposed initiative measure may submit amendments to the
20 measure.

21 (1) An amendment shall be submitted with a signed request by
22 all the proponents to prepare a circulating title and summary using
23 the amended language.

24 (2) An amendment shall be submitted to the Attorney General's
25 Initiative Coordinator located in the Attorney General's Sacramento
26 Office via United States Postal Service, alternative mail service,
27 or personal delivery. Only printed documents shall be accepted;
28 facsimile or email delivery shall not be accepted.

29 (3) The submission of an amendment shall not extend the period
30 to prepare the estimate required by Section 9005.

31 (4) An amendment shall not be accepted more than five days
32 after the public review period is concluded. However, a proponent
33 shall not be prohibited from proposing a new initiative measure
34 and requesting that a circulating title and summary be prepared
35 for that measure pursuant to Section 9001.

36 SEC. 6. Section 9004 of the Elections Code is amended to read:

37 9004. (a) Upon receipt of the text of a proposed initiative
38 measure, and after the public review period provided for in Section
39 9002, the Attorney General shall prepare a circulating title and
40 summary of the chief purposes and points of the proposed measure.

1 The circulating title and summary shall ~~be not less than 25 words~~
2 ~~and not more than 150 words in length~~ *not exceed 100 words*. The
3 Attorney General shall also provide a unique numeric identifier
4 for each proposed initiative measure. The circulating title and
5 summary shall be prepared in the manner provided for the
6 preparation of ballot titles and summaries in Article 5 (commencing
7 with Section 9050), the provisions of which, in regard to the
8 preparation, filing, and settlement of ballot titles and summaries,
9 are applicable to the circulating title and summary.

10 (b) The Attorney General shall provide a copy of the circulating
11 title and summary and its unique numeric identifier to the
12 proponents and to the Secretary of State within 15 days after receipt
13 of the fiscal estimate or opinion prepared by the Department of
14 Finance and the Legislative Analyst pursuant to Section 9005. The
15 date the copy is delivered or mailed to the proponents is the
16 “official summary date.”

17 (c) Upon receipt of the circulating title and summary from the
18 Attorney General, the Secretary of State shall, within one business
19 day, notify the proponents and county elections official of each
20 county of the official summary date and provide a copy of the
21 circulating title and summary to each county elections official.
22 This notification shall also include a complete schedule showing
23 the maximum filing deadline, and the certification deadline by the
24 counties to the Secretary of State.

25 SEC. 7. Section 9005 of the Elections Code is amended to read:

26 9005. (a) The Attorney General, in preparing a circulating title
27 and summary for a proposed initiative measure, shall, in boldface
28 print, include in the circulating title and summary either the
29 estimate of the amount of any increase or decrease in revenues or
30 costs to the state or local government, or an opinion as to whether
31 or not a substantial net change in state or local finances would
32 result if the proposed initiative is adopted.

33 (b) The estimate as required by this section shall be made jointly
34 by the Department of Finance and the Legislative Analyst, who
35 shall deliver the estimate to the Attorney General so that he or she
36 may include the estimate in the circulating title and summary
37 prepared by him or her.

38 (c) The estimate shall be delivered to the Attorney General
39 within ~~45~~ 50 days of the date of receipt of the proposed initiative
40 measure by the Attorney General, unless, in the opinion of both

1 the Department of Finance and the Legislative Analyst, a
2 reasonable estimate of the net impact of the proposed initiative
3 measure cannot be prepared within the ~~45-day~~ 50-day period. In
4 the latter case, the Department of Finance and the Legislative
5 Analyst shall, within the ~~45-day~~ 50-day period, give the Attorney
6 General their opinion as to whether or not a substantial net change
7 in state or local finances would result if the proposed initiative
8 measure is adopted.

9 (d) A statement of fiscal impact prepared by the Legislative
10 Analyst pursuant to subdivision (b) of Section 12172 of the
11 Government Code may be used by the Department of Finance and
12 the Legislative Analyst in the preparation of the fiscal estimate or
13 the opinion.

14 SEC. 8. Section 9014 of the Elections Code is amended to read:

15 9014. A petition for a proposed initiative measure or
16 referendum shall not be circulated for signatures before the official
17 summary date. A petition with signatures on a proposed initiative
18 measure shall be filed with the county elections official not later
19 than 180 days from the official summary date, and a county
20 elections official shall not accept a petition for the proposed
21 initiative measure after that period. A petition for a proposed
22 referendum measure shall be filed with the county elections
23 officials not later than 90 days from the date the legislative bill
24 was chaptered by the Secretary of State, and a county elections
25 official shall not accept a petition for the proposed referendum
26 after that period.

27 SEC. 9. Section 9030 of the Elections Code is amended to read:

28 9030. (a) Each section of the petition shall be filed with the
29 elections official of the county or city and county in which it was
30 circulated, but all sections circulated in any county or city and
31 county shall be filed at the same time. Once filed, no petition
32 section shall be amended except by order of a court of competent
33 jurisdiction.

34 (b) Within eight days after the filing of the petition, excluding
35 Saturdays, Sundays, and holidays, the elections official shall
36 determine the total number of signatures affixed to the petition
37 and shall transmit this information to the Secretary of State. If the
38 total number of signatures filed with all elections officials is less
39 than 100 percent of the number of qualified voters required to find
40 the petition sufficient, the Secretary of State shall so notify the

1 proponents and the elections officials, and no further action shall
2 be taken with regard to the petition.

3 (c) If the number of signatures filed with all elections officials
4 is 100 percent or more of the number of qualified voters needed
5 to declare the petition sufficient, the Secretary of State shall
6 immediately so notify the elections officials.

7 (d) Within 30 days after this notification, excluding Saturdays,
8 Sundays, and holidays, the elections official shall determine the
9 number of qualified voters who have signed the petition. If more
10 than 500 names have been signed on sections of the petition filed
11 with an elections official, the elections official shall use a random
12 sampling technique for verification of signatures, as determined
13 by the Secretary of State. The random sample of signatures to be
14 verified shall be drawn in such a manner that every signature filed
15 with the elections official shall be given an equal opportunity to
16 be included in the sample. The random sampling shall include an
17 examination of at least 500 or 3 percent of the signatures,
18 whichever is greater. In determining from the records of registration
19 what number of qualified voters have signed the petition, the
20 elections official may use the duplicate file of affidavits of
21 registered voters or the facsimiles of voters' signatures, provided
22 that the method of preparing and displaying the facsimiles complies
23 with law.

24 (e) The elections official, upon the completion of the
25 examination, shall immediately attach to the petition, except the
26 signatures thereto appended, a properly dated certificate, showing
27 the result of the examination, and shall immediately transmit the
28 petition and the certificate to the Secretary of State. A copy of this
29 certificate shall be filed in the elections official's office.

30 (f) If the certificates received from all elections officials by the
31 Secretary of State establish that the number of valid signatures
32 does not equal 95 percent of the number of qualified voters needed
33 to find the petition sufficient, the petition shall be deemed to have
34 failed to qualify, and the Secretary of State shall immediately so
35 notify the proponents and the elections officials.

36 (g) If the certificates received from all elections officials by the
37 Secretary of State total more than 110 percent of the number of
38 qualified voters needed to find the petition sufficient, the petition
39 shall be deemed to qualify as of the date of receipt by the Secretary
40 of State of certificates showing the petition to have reached the

1 ~~110 percent, and the Secretary of State shall immediately so notify~~
2 ~~the proponents and the elections officials~~ *Secretary of State shall*
3 *certify that the measure is qualified for the ballot as provided in*
4 *Section 9033.*

5 *SEC. 10. Section 9031 of the Elections Code is amended to*
6 *read:*

7 9031. (a) If the statistical sampling shows that the number of
8 valid signatures is within 95 to 110 percent of the number of
9 signatures of qualified voters needed to declare the petition
10 sufficient, the Secretary of State shall order the examination and
11 verification of each signature filed, and shall so notify the elections
12 officials.

13 (b) Within 30 days, excluding Saturdays, Sundays, and holidays,
14 after receipt of the order, the elections official or registrar of voters
15 shall determine from the records of registration what number of
16 qualified voters have signed the petition and if necessary the board
17 of supervisors shall allow the elections official or registrar
18 additional assistance for the purpose of examining the petition and
19 provide for their compensation. In determining from the records
20 of registration what number of qualified voters have signed the
21 petition, the elections official or registrar of voters may use any
22 file or list of registered voters maintained by his or her office, or
23 the facsimiles of voters' signatures, provided that the method of
24 preparing and displaying the facsimiles complies with law.

25 (c) The elections official or registrar, upon the completion of
26 the examination, shall immediately attach to the petition, except
27 the signatures thereto appended, an amended certificate properly
28 dated, showing the result of the examination and shall immediately
29 transmit the petition, together with the amended certificate, to the
30 Secretary of State. A copy of the amended certificate shall be filed
31 in the elections official's office.

32 (d) (1) If the amended certificates establish the petition's
33 sufficiency, ~~the petition shall be deemed to be filed as of the date~~
34 ~~of receipt by the Secretary of State of certificates showing the~~
35 ~~petition to be signed by the requisite number of voters of the state~~
36 *Secretary of State shall certify that the measure is qualified for*
37 *the ballot as provided in Section 9033.*

38 (2) If the amended certificates received from all elections
39 officials by the Secretary of State establish that the petition has

1 still been found insufficient, the Secretary of State shall
2 immediately so notify the proponents and the elections officials.

3 ~~SEC. 9.~~

4 *SEC. 11.* Section 9033 of the Elections Code is amended to
5 read:

6 9033. (a) When the Secretary of State has received from one
7 or more elections officials or registrars a petition, certified as herein
8 provided to have been signed by the requisite number of qualified
9 voters, the Secretary of State shall forthwith notify the proponents
10 and immediately transmit to the elections official or registrar of
11 voters of every county or city and county in the state a notice of
12 qualification showing this fact so directing that signature
13 verification can be terminated. ~~A petition shall be deemed to be
14 filed with the Secretary of State upon the date of the receipt by the
15 Secretary of State of a certificate or certificates showing the petition
16 to be signed by the requisite number of voters of the state. Any
17 elections official shall, upon receipt of the copy, file the notification
18 for record in that office.~~

19 ~~(b) On the 131st day before an election at which an initiative
20 measure is to be voted upon, the Secretary of State shall issue a
21 certificate identifying each initiative measure for which he or she
22 issued a notice of qualification, as required by subdivision (a), on
23 or before that date.~~

24 *(b) (1) In the case of an initiative measure, the Secretary of
25 State shall identify the date of the next statewide general election
26 as defined in subdivision (a) of Section 9016, or the next special
27 statewide election, that will occur not less than 131 days after the
28 date the Secretary of State receives a petition certified to have
29 been signed by the requisite number of qualified voters.*

30 *(2) On the 131st day prior to the date of the election identified
31 pursuant to paragraph (1), the Secretary of State shall do all of
32 the following:*

33 *(A) Issue a certificate of qualification certifying that the
34 initiative measure, as of that date, is qualified for the ballot at the
35 election identified pursuant to paragraph (1).*

36 *(B) Notify the proponents of the initiative measure and the
37 elections official of each county that the measure, as of that date,
38 is qualified for the ballot at the election identified pursuant to
39 paragraph (1).*

1 (C) Include the initiative measure in a list of all statewide
2 initiative measures that are eligible to be placed on the ballot at
3 the election identified pursuant to paragraph (1) and publish the
4 list on the Secretary of State's Internet Web site.

5 (3) Upon the issuance of a certificate of qualification pursuant
6 to paragraph (2), an initiative measure shall be deemed qualified
7 for the ballot for purposes of subdivision (c) of Section 8 of Article
8 II of the California Constitution.

9 (c) (1) In the case of a referendum measure, upon receipt of a
10 petition certified to have been signed by the requisite number of
11 qualified voters, the Secretary of State shall do all of the following:

12 (A) Issue a certificate of qualification certifying that the
13 referendum measure, as of that date, is qualified for the ballot.

14 (B) Notify the proponents of the referendum measure and the
15 elections official of each county that the measure, as of that date,
16 is qualified for the ballot.

17 (C) Include the referendum measure in a list of all statewide
18 referendum measures that have qualified for the ballot and publish
19 the list on the Secretary of State's Internet Web site.

20 (2) Upon the issuance of a certificate of qualification pursuant
21 to paragraph (1), a referendum measure shall be deemed qualified
22 for the ballot for purposes of subdivision (c) of Section 9 of Article
23 II of the California Constitution.

24 ~~SEC. 10.~~

25 SEC. 12. Section 9034 of the Elections Code is amended to
26 read:

27 9034. (a) The proponents of a proposed initiative measure
28 shall submit a certification, signed under penalty of perjury, to the
29 Secretary of State immediately upon the collection of 25 percent
30 of the number of signatures needed to qualify the initiative measure
31 for the ballot.

32 (b) Upon the receipt of the certification required by subdivision
33 (a), the Secretary of State shall transmit copies of the initiative
34 measure, together with the circulating title and summary as
35 prepared by the Attorney General pursuant to Section 9004, to the
36 Senate and the Assembly. Each house shall assign the initiative
37 measure to its appropriate committees. The appropriate committees
38 shall hold joint public hearings on the subject of the measure not
39 later than 131 days before the date of the election at which the
40 measure is to be voted upon.

(c) This section shall not be construed as authority for the Legislature to alter the initiative measure or prevent it from appearing on the ballot.

~~SEC. 11.~~

SEC. 13. Section 9051 of the Elections Code is amended to read:

9051. (a) (1) The ballot title and summary may differ from the legislative, circulating, or other title and summary of the measure and shall ~~be not less than 25 words and not more than 150 words in length~~ *not exceed 100 words*, not including the fiscal impact statement.

(2) The ballot title and summary shall include a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code.

(b) The ballot label shall not contain more than 75 words and shall be a condensed version of the ballot title and summary including the financial impact summary prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code.

(c) In providing the ballot title and summary, the Attorney General shall give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure. The ballot title and summary shall also satisfy all of the following:

(1) Be written in clear and concise terms, understandable to the average voter, and in an objective and nonpartisan manner, avoiding the use of technical terms whenever possible.

(2) If the measure imposes or increases a tax or fee, the type and amount of the tax or fee shall be described.

(3) If the measure repeals existing law in any substantial manner, that fact shall be included.

(4) If the measure is contingent on the passage or defeat of another measure or statute, that fact shall be included.

(d) The Legislature shall provide the Attorney General with sufficient funding for administrative and other support relating to preparation of the ballot title and summary for initiative measures, including, but not limited to, plain-language specialists.

(e) The Attorney General shall invite and consider public comment in preparing each ballot title and summary.

~~SEC. 12.~~

SEC. 14. Section 9082.7 of the Elections Code is amended to read:

9082.7. (a) The Secretary of State shall make available the complete state ballot pamphlet over the Internet.

(b) The Secretary of State shall create an Internet Web site, or use other available technology, to consolidate information about each *state* ballot measure in a manner that is easy for voters to access and understand. The information shall include all of the following:

(1) A summary of the ballot measure's content.

(2) *A current list of the top 10 contributors supporting and opposing the ballot measure, as compiled by the Fair Political Practices Commission pursuant to subdivision (e) of Section 84223 of the Government Code.*

~~(2)~~

(3) (A) A list of each committee primarily formed to support or oppose the ballot measure, as described in Section 82047.5 of the Government Code, and a means to access information about the sources of contributions reported for each committee.

(B) Information about the sources of contributions shall be updated as new information becomes available to the public pursuant to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(C) ~~(i)~~ If a committee identified in subparagraph (A) receives at least one million dollars (\$1,000,000) in contributions for an election, the Secretary of State shall ~~also list~~ *provide a means to access online information about* the committee's top 10 contributors reported to the Fair Political Practices Commission pursuant to *subdivision (a) of Section 84223 of the Government Code.*

~~(ii)~~

(D) Notwithstanding paragraph (1) of subdivision ~~(C)~~ (c) of Section 84223 of the Government Code, the Fair Political Practices Commission shall automatically provide ~~the any~~ list of top 10 contributors *created pursuant to Section 84223 of the Government Code*, and any subsequent updates to that list, to the Secretary of State for purposes of compliance with this section.

1 ~~(3)~~

2 ~~(4) Any other Internet Web site hyperlinks to other relevant~~
3 ~~information deemed relevant by the Secretary of State.~~

4 SEC. 15. Section 9092 of the Elections Code is amended to
5 read:

6 9092. Not less than ~~20~~ 25 days before he or she submits the
7 copy for the ballot pamphlet to the State Printer, the Secretary of
8 State shall make the copy available for public examination. Any
9 elector may seek a writ of mandate requiring any copy to be
10 amended or deleted from the ballot pamphlet. A peremptory writ
11 of mandate shall issue only upon clear and convincing proof that
12 the copy in question is false, misleading, or inconsistent with the
13 requirements of this code or Chapter 8 (commencing with Section
14 88000) of Title 9 of the Government Code, and that issuance of
15 the writ will not substantially interfere with the printing and
16 distribution of the ballot pamphlet as required by law. Venue for
17 a proceeding under this section shall be exclusively in Sacramento
18 County. The Secretary of State shall be named as the respondent
19 and the State Printer and the person or official who authored the
20 copy in question shall be named as real parties in interest. If the
21 proceeding is initiated by the Secretary of State, the State Printer
22 shall be named as the respondent.

23 ~~SEC. 13.~~

24 SEC. 16. Section 9094.5 of the Elections Code is amended to
25 read:

26 9094.5. (a) The Secretary of State shall establish processes to
27 enable a voter to ~~opt out of receiving by mail the state ballot~~
28 ~~pamphlet prepared pursuant to Section 9081 and to instead receive~~
29 ~~either the state ballot pamphlet in an electronic format or an~~
30 ~~electronic notification making the pamphlet available by means~~
31 ~~of online access. These processes shall become effective only after~~
32 ~~the Secretary of State certifies that the state has a statewide voter~~
33 ~~registration database that complies with the federal Help America~~
34 ~~Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.); do both of the~~
35 ~~following:~~

36 ~~(1) Opt out of receiving by mail the state ballot pamphlet~~
37 ~~prepared pursuant to Section 9081.~~

38 ~~(2) When the state ballot pamphlet is available, receive either~~
39 ~~the state ballot pamphlet in an electronic format or an electronic~~

1 notification making the pamphlet available by means of online
2 access.

3 (b) The processes described in subdivision (a) shall become
4 effective only after the Secretary of State certifies that the state
5 has a statewide voter registration database that complies with the
6 federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et
7 seq.).

8 ~~(b)~~

9 (c) The processes described in subdivision (a) shall not apply
10 where two or more registered voters have the same postal address
11 unless each voter who shares the same postal address has chosen
12 to discontinue receiving the ballot pamphlet by mail.

13 ~~(e)~~

14 (d) The Secretary of State shall also establish a procedure to
15 permit a voter to begin receiving the ballot pamphlet by mail again
16 after the voter has discontinued receiving it pursuant to subdivision
17 (a).

18 ~~SEC. 14.~~

19 *SEC. 17.* Section 9604 of the Elections Code is amended to
20 read:

21 9604. (a) Notwithstanding any other law, any person may
22 engage in good faith bargaining between competing interests to
23 secure legislative approval of matters embraced in a statewide or
24 local initiative or referendum measure, and the proponents may,
25 as a result of these negotiations, withdraw the measure at any time
26 before filing the petition with the appropriate elections official.

27 (b) In addition to the procedure under subdivision (a), the
28 proponents of a statewide initiative or referendum measure may
29 withdraw the measure after filing the petition with the appropriate
30 elections official at any time before the Secretary of State certifies
31 that the measure has qualified for the ballot *pursuant to Section*
32 *9033.*

33 (c) Withdrawal of a statewide initiative or referendum measure
34 shall be effective upon receipt by the Secretary of State of a written
35 notice of withdrawal, signed by all proponents of the measure.

36 (d) Withdrawal of a local initiative or referendum measure shall
37 be effective upon receipt by the appropriate local elections official
38 of a written notice of withdrawal, signed by all proponents of the
39 measure.

1 ~~SEC. 15.~~

2 *SEC. 18.* Section 18621 of the Elections Code is amended to
3 read:

4 18621. Any proponent of an initiative or referendum measure
5 or recall petition who seeks, solicits, bargains for, or obtains any
6 money or thing of value of or from any person, firm, or corporation
7 for the purpose of abandoning the same or stopping the circulation
8 of petitions concerning the same, or failing or neglecting or
9 refusing to file the measure or petition in the office of the elections
10 official or other officer designated by law within the time required
11 by law after obtaining the number of signatures required under the
12 law to qualify the measure or petition, or withdrawing an initiative
13 petition after filing it with the appropriate elections official, or
14 performing any act that will prevent or aid in preventing the
15 initiative, referendum, or recall proposed from qualifying as an
16 initiative or referendum measure, or resulting in a recall election
17 is punishable by a fine not exceeding five thousand dollars (\$5,000)
18 or by imprisonment pursuant to subdivision (h) of Section 1170
19 of the Penal Code for 16 months or two or three years, or in a
20 county jail not exceeding one year, or by both that fine and
21 imprisonment.

22 *SEC. 19.* Section 88006 of the Government Code is amended
23 to read:

24 88006. Not less than ~~20~~ 25 days before he or she submits the
25 copy for the ballot pamphlet to the State Printer, the Secretary of
26 State shall make the copy available for public examination. Any
27 elector may seek a writ of mandate requiring the copy to be
28 amended or deleted from the ballot pamphlet. A peremptory writ
29 of mandate shall issue only upon clear and convincing proof that
30 the copy in question is false, misleading or inconsistent with the
31 requirements of this chapter or the Elections Code, and that
32 issuance of the writ will not substantially interfere with the printing
33 and distribution of the ballot pamphlet as required by law. Venue
34 for a proceeding under this section shall be exclusively in
35 Sacramento County. The Secretary of State shall be named as the
36 respondent and the State Printer and the person or official who
37 authored the copy in question shall be named as real parties in
38 interest. If the proceeding is initiated by the Secretary of State, the
39 State Printer shall be named as the respondent.

1 ~~SEC. 16.~~

2 ~~SEC. 20.~~ No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

11 ~~SEC. 21.~~ *The Legislature finds and declares that this bill*
12 *furtheres the purposes of the Political Reform Act of 1974 within*
13 *the meaning of subdivision (a) of Section 81012 of the Government*
14 *Code.*